

Michael Koch, Trustee State Bar No. 131892  
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Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re:	)	Case No. 23-02962-MM13
	)	
	)	DATE: February 6, 2024
	)	TIME: 10:00 AM
OCTAVIO C. LEAL	)	DEPT: 1
ANGELINA LEAL	)	
	)	TRUSTEE'S OBJECTION TO
	)	CONFIRMATION OF CHAPTER 13 PLAN
	)	AND MOTION TO DISMISS PURSUANT
	)	TO 11 U.S.C.1307(c)(5)
Debtors.	)	

MICHAEL KOCH, Chapter 13 Standing Trustee ("Trustee"), hereby objects to confirmation and moves the Court for Denial of Confirmation and an Order of Dismissal. The basis for the Trustee's objection(s) are:

**Feasibility, 11 USC § 1325(a)(6)**

The debtors have no ability to make the payments proposed by the Plan. See §1325(a)(6). The debtors have no regular income. See §109(e).

**Real estate arrears are scheduled by the Debtors at \$3,666.51, however the creditor has filed a proof of Claim (Claim 22) claiming arrears of \$257,945.74. The plan only provides for total payments of \$105,166.00**

**Missing Tax Returns, 11 USC § 521(e)(2)(B)**

**This matter should be dismissed pursuant to §521(e)(2)(B) for failure to provide**

1 **Copies of Federal tax returns to Trustee. Apparently, tax returns for tax year 2022 have**  
2 **not been filed.**

3 WHEREFORE, the Trustee respectfully requests that confirmation of Debtors' plan be  
4 denied and the case be dismissed.

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6 Date: December 28, 2023

7 /s/ Michael Koch  
8 Chapter 13 Trustee  
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